
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ARVA LEE BUTLER,

versus

COMMISSIONER OF SOCIAL
SECURITY,

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CASE NO. 1:18-CV-00424-MAC

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION REGARDING ATTORNEY FEES**

Before the court is a report and recommendation of the United States magistrate judge regarding the Plaintiff's Motion for 406(b) Attorney's Fees. The parties have not filed objections to the report. Having conducted an independent review, the court concludes that the the report of the magistrate judge should be **ADOPTED** and the motion should be **GRANTED**. It is therefore

ORDERED that the Plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) (Doc. No. 23) is **GRANTED**. It is further

ORDERED that Counsel Howard D. Olinsky is awarded attorney fees under 42 U.S.C. § 406(b) in the amount of \$18,852.50. Upon receipt of that payment, Mr. Olinsky is **ORDERED** to refund EAJA fees in the amount of \$5,362.74 directly to the claimant. *See* 28 U.S.C. § 2412 note, Act of Aug. 5, 1985, Pub. L. No. 99–80, § 3, 99 Stat. 183, 186; *Gisbrecht*, 535 U.S. at 796 (requiring attorneys to refund to the claimant the amount of the smaller fee).

SIGNED at Beaumont, Texas, this 22nd day of January, 2021.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE